



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

December 16, 2013

James M. Lisowski, Asst. General Manager  
Chicopee Electric Light  
725 Front Street; P. O. Box 405  
Chicopee, Massachusetts 01020-0405

**Re: Chicopee**  
310 CMR 7.00 - APPENDIX C  
Appl. # 1-O-11-009; Trans. #X236753  
**FINAL Operating Permit**

Dear Mr. Lisowski:

In accordance with 310 CMR 7.00 – APPENDIX C(6) of the Air Pollution Control Regulations ("the Regulations"), the Department of Environmental Protection ("MassDEP") is forwarding to EPA the attached Proposed Operating Permit for the Chicopee Electric Light ("CEL") facility located in Chicopee, Massachusetts.

Public notice of the Draft Operating Permit was published by MassDEP in the Union News on September 11, 2013, in accordance with the requirements of 310 CMR 7.00: Appendix C. As such, the public comment period ended on October 25, 2013. During that period, no public hearing was requested pursuant to 310 CMR 7.00: Appendix C(6)(f).

On October 30, 2013 the MassDEP forwarded to EPA Region 1, via electronic mail, the Proposed Operating Permit for this facility. EPA did not object or comment on the Proposed Operating Permit, nor did EPA receive a petition to object to the Proposed Operating Permit within the regulatory deadlines. Therefore, the MassDEP is issuing the Final Operating Permit.

The attached Final Operating Permit contains all of the federal and state air pollution control requirements to which the facility is subject, and the terms and conditions for compliance with such applicable requirements.

If you have any questions concerning this FINAL Operating Permit, please contact John Kirzec of the Western Regional Office at (413) 755-2225.

Sincerely,

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

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Marc Simpson  
Permit Chief  
Western Region

Chicopee electric light 2013-12-16 FINAL.docx  
JK/jk

cc: Ida E. McDonnell, Manager  
Air Permits, Toxics and Indoor Air Unit  
EPA-New England, Region 1  
5 Post Office Sq. Suite 100  
Mail Code OEP05-2  
Boston, MA 02109-3912

ecc: [Dahl.Donald@epa.gov](mailto:Dahl.Donald@epa.gov)  
[Mcdonnell.Ida@epa.gov](mailto:Mcdonnell.Ida@epa.gov)  
  
[Karen.Regas@state.ma.us](mailto:Karen.Regas@state.ma.us)  
[Yi.Tian@state.ma.us](mailto:Yi.Tian@state.ma.us)  
[Peter.Czapienski@state.ma.us](mailto:Peter.Czapienski@state.ma.us)



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### FINAL AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

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**ISSUED TO ["the Permittee"]:**

Chicopee Electric Light  
725 Front Street; P. O. Box 405  
Chicopee, MA 01020-0405

**FACILITY LOCATION:**

Chicopee Electric Light  
725 Front Street  
Chicopee, MA 01020-0405

**NATURE OF BUSINESS:**

Electric Power Generation

**RESPONSIBLE OFFICIAL:**

Name: Jeffrey R. Cady  
Title: General Manager  
Phone: (413) 598-8311 ext. 114

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**INFORMATION RELIED UPON:**

**Initial:** Application #1-O-04-024  
Transmittal #W030986  
**Current:** Application #1-O-11-009  
Transmittal #X236753

**FACILITY IDENTIFYING NUMBERS:**

AQ ID No.: 0420232  
FMF FAC No.: 130563  
FMF RO No.: 50160

**STANDARD INDUSTRIAL  
CLASSIFICATION (SIC):**

4911 – Electric Power Generation

**NORTH AMERICAN INDUSTRIAL  
CLASSIFICATION SYSTEM (NAICS):**

22111 – Electric Power Generation

**FACILITY CONTACT PERSON:**

Name: James M. Lisowski  
Title: Assistant General Manager  
Phone: (413) 598-8311 ext. 145

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**This operating permit shall expire on 12/16/2018**

For the Department of Environmental Protection

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

**12/16/2013**

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Michael Gorski  
Regional Director  
Department of Environmental Protection  
Western Regional Office

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Date

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## SPECIAL CONDITIONS FOR OPERATING PERMIT

### **1. PERMITTED ACTIVITIES**

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee (or "CEL") is authorized to operate the air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

### **DESCRIPTION OF FACILITY AND OPERATIONS**

The Chicopee Electric Light facility is a diesel engine electric power generating plant located at 725 Front Street in Chicopee, Massachusetts. The facility consists of three General Motors diesel engine/generators rated at 28 MMBtu/hr heat input rate each, and a Caterpillar emergency engine/generator rated at 3.75 MMBtu/hr. The General Motors units have historically operated for less than 1000 hours per year.

The facility is an area source for hazardous air pollutants. As such, the three General Motors engine/generators as well as the Caterpillar emergency engine/generator at the facility are subject to 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Compliance Assurance Monitoring (CAM; 40 CFR Part 64) does not apply to the facility since the oxidation catalysts fitted to the three General Motors engine/generators was mandated by 40 CFR Part 63 Subpart ZZZZ which already contains adequate monitoring as part of the regulation obviating CAM applicability.

### **2. EMISSION UNIT IDENTIFICATION**

The following emission units (Table 1) are subject to and regulated by this operating permit:

<b>Table 1</b>			
Emission Unit (EU)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU 1	Diesel Engine/Generator 1 (General Motors EMD 645E)	28 MMBtu/hr	oxidation catalyst
EU 2	Diesel Engine/Generator 2 (General Motors EMD 645E)	28 MMBtu/hr	oxidation catalyst
EU 3	Diesel Engine/Generator 3 (General Motors EMD 645E)	28 MMBtu/hr	oxidation catalyst
EU 4	Caterpillar Model 3406 Diesel Emergency Engine	3.75 MMBtu/hr	none

### **3. IDENTIFICATION OF EXEMPT ACTIVITIES**

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

<b>Table 2</b>	
<b>Description of Current Exempt Activities</b>	<b>Reason</b>
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office as changes occur. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

#### 4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS – The Permittee is subject to the emission limits/restrictions as contained in Table 3 below:

Table 3				
EU #	Fuel	Pollutant	Emission Limits/Standards <sup>(1)(2)(3)</sup>	Applicable Regulation and/or Approval No.
EU 1 EU 2 EU 3	distillate oil	PM <sup>(1)</sup>	0.10 lb/MMBtu <sup>(2)</sup>	DEP Approval #PV-78-C-003 dated June 5, 1980
		NO <sub>x</sub>	None  if operation is kept to <1000 hours per year (rolling 12 month total) and the ignition timing is retarded 4° from manufacturer's specifications (provided that any increase in CO emissions is ≤100 ppmvd, corrected to 15% O <sub>2</sub> )  9.0 grams per bhp-hr <sup>(2)</sup> if operation is for ≥1000 hours per year (rolling 12 month total) or if timing is not retarded relative to manufacturer's specifications.	DEP Approval #1-E-94-033 dated September 16, 1994, and Regulation 310 CMR 7.19(8)(d)  DEP Approval #1-E-94-033 dated September 16, 1994, and Regulation 310 CMR 7.19(8)(c)3.
		CO	≤ 23 ppmvd @ 15% O <sub>2</sub> , or reduce CO emissions by ≥ 70%	40 CFR § 63.6603 Table 2d and § 63.6640
EU 1 EU 2 EU 3 EU 4		Smoke  Opacity	No. 1 of the Chart no more than 6 minutes during any one hour, no time to exceed No. 2 of the Chart  < 20%, except 20 to < 40% for ≤ 2 minutes during any one hour	Regulation 310 CMR 7.06(1)(a)  Regulation 310 CMR 7.06(1)(b)
		Sulfur in fuel	Sulfur content ≤ 15 ppm	40 CFR § 63.6604
EU 4	distillate oil	n/a	may operate for ≤ 100 hours per calendar year for any combination of the purposes specified in paragraphs (f)(2)(i) through (iii) of 40 CFR Part 63.6640.	40 CFR § 63.6640
		n/a	may operate engine ≤ 300 hours per any rolling 12 month period (See Special Conditions)	310 CMR 7.02(8)(i)

(1) Particulate matter as measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5.

(2) Based on a one-hour average

- B. COMPLIANCE DEMONSTRATION – The Permittee is subject to the monitoring, testing, record-keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C(9) and (10): and applicable requirements as contained in Table 3, unless otherwise specified below.

Table 4	
EU #	Monitoring/Testing Requirements
EU 1	CEL shall
EU 2	<p>1) In accordance with Regulation 310 CMR 7.19(8)(d)2. and the DEP's Approval # 1-E-94-033, install and maintain, in accordance with the manufacturer's recommendations, an elapsed time meter to indicate, in cumulative hours, the elapsed engine operating time for the previous 12 months.</p> <p>2) In accordance with 310 CMR 7.19(8)(d)5., inspect and adjust the engine ignition timing at least once every three years.</p> <p>3) In accordance with Regulation 310 CMR 7.19(13)(a)9., if any engine is operated for 1000 hours or more during any consecutive 12 month period, demonstrate compliance with the emission limitation of 9.0 grams NOx/Bhp-hr by performing an initial stack test conducted in accordance with Regulation 310 CMR 7.19(13)(c). In accordance with Regulation 310 CMR 7.19(13)(c)4., the stack test shall be completed within 90 days.</p> <p>4) In accordance with 310 CMR 7.00 Appendix C(9)(b), monitor sulfur content of each new shipment of oil received. Compliance with % sulfur-in-fuel requirements can be demonstrated by maintaining a shipping receipt from the fuel supplier (<u>shipping receipt certification</u>) or through testing (<u>testing certification</u>).</p> <p>The <u>shipping receipt certification</u> or <u>testing certification</u> of % sulfur-in-fuel shall document that sulfur testing has been done in accordance with the applicable ASTM test methods (D129-95, D1266-91, D1552-95, D2622-92, and D4294-90), or any other method approved by the MassDEP and EPA.</p> <p>5) In accordance with 40 CFR Part § 63.6612 (a), conduct any initial performance test or other initial compliance demonstration according to Tables 4 and 5 of 40 CFR Part 63 Subpart ZZZZ that apply to you within 180 days after the compliance date that is specified for your engines in 40 CFR Part § 63.6595 and according to the provisions in 40 CFR Part § 63.7(a)(2).</p> <p>The compliance date for meeting the applicable emission limitations, operating limitations, and other requirements was May 3, 2013. CEL was issued an Extension of Compliance Deadline by the MassDEP on April 25, 2013. In accordance with this extension, MassDEP extended the compliance deadline until May 3, 2014, and the emissions testing deadline within 180 days of startup, or no later than November 3, 2014. The extension applies to 40 CFR §63.6603(a), emission and operating limitations, including the operating limitations in Table 2b and the emission limitation requirements in Table 2d; 40 CFR §63.6604 fuel requirements; and 40 CFR §63.6625(g) crankcase ventilation system requirements.</p> <p>6) In accordance with 40 CFR § 63.6603, demonstrate compliance with the emission limitations based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in 40 CFR § 63.6620 and Table 4 of 40 CFR Part 63 Subpart ZZZZ.</p> <p>7) In accordance with 40 CFR § 63.6640(b), if CEL changes the catalyst, reestablish the values of the operating parameters measured during the initial performance test. When CEL reestablishes the values of your operating parameters, CEL must also conduct a performance test to demonstrate that they are meeting the required applicable emission limitation.</p> <p>8) In accordance with 40 CFR § 63.6625, install, operate and maintain each continuous parameter monitoring system (CPMS) according to the requirements in paragraphs (b)(1) through (6) of 40 CFR § 63.6625.</p>
EU 3	

**Table 4 (continued)**

EU #	Monitoring/Testing Requirements
EU 1 EU 2 EU 3	<p>CEL shall</p> <p><b>9)</b> In accordance with 40 CFR § 63.6635(b), except for monitor malfunctions, associated repairs, required performance evaluations, and required quality assurance or control activities, monitor continuously at all times that the engine is operating. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.</p> <p><b>10)</b> In accordance with 40 CFR § 63.6635(c), not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels. CEL must, however, use all the valid data collected during all other periods.</p> <p><b>11)</b> In accordance with 40 CFR § 63.6640, demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d of 40 CFR Part 63 Subpart ZZZZ that apply, as follows:</p> <ul style="list-style-type: none"> <li>a. CEL must conduct performance tests every 8,760 hours or 3 years, whichever comes first, for CO to demonstrate that the required CO percent reduction is achieved or that the emissions remain at or below the CO Concentration limit; and</li> <li>b. CEL must collect the catalyst inlet temperature data according to § 63.6625(b); and reduce this data to 4-hour rolling averages</li> <li>c. CEL must maintain the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and</li> <li>d. CEL must measure the pressure drop across the catalyst once per month and demonstrate that the pressure drop across the catalyst is within the operating limitation established during the performance test.</li> </ul> <p><b>12)</b> In accordance with 40 CFR § 63.6615 and § 63.6620, conduct subsequent performance tests every 8,760 hours or 3 years, whichever comes first.</p> <p><b>13)</b> In accordance with 40 CFR § 63.6620, conduct performance tests specified in Tables 3 and 4 of 40 CFR Part 63 Subpart ZZZZ that apply to you. Each performance test must be conducted according to the requirements that 40 CFR Part 63 Subpart ZZZZ specifies in Table 4 therein.</p> <p><b>14)</b> In accordance with 40 CFR § 63.6630, demonstrate initial compliance with each applicable emission limitation, applicable operating limitation, and other applicable requirement according to Table 5 of 40 CFR Part 63 Subpart ZZZZ.</p> <p><b>15)</b> In accordance with 40 CFR § 63.6630(b), during the initial performance test, establish each applicable operating limitation in Tables 1b and 2b of 40 CFR Part 63 Subpart ZZZZ.</p>
EU 4	<p>CEL shall</p> <p><b>16)</b> In accordance with 310 CMR 7.02(8)(i), monitor to ensure that the following records are maintained: information of equipment type, make and model, and maximum power input/output; and monthly logs of hours of operation, gallons of fuel used, fuel type and heating value, and a monthly calculation of the total hours operated and gallons of fuel used in the previous twelve months shall be kept on site; and purchase orders, invoices and other documents to support information in the monthly log.</p>
Facility Wide	<p>CEL shall</p> <p><b>17)</b> In accordance with 310 CMR 7.13 <u>Stack Testing</u>, conduct stack testing for any air contaminant, upon request by the MassDEP, in accordance with the applicable procedures specified in 40 CFR 60 Appendix A, or other method if approved by the MassDEP and EPA.</p> <p>In accordance with 310 CMR 7.02(8), any compliance demonstration with the allowable particulate emission rate shall be in accordance with the EPA Methods 1 – 5, as specified in 40 CFR Part 60, Appendix A.</p> <p>In accordance with 310 CMR 7.00 Appendix C(9)(b), any compliance demonstration with the allowable smoke/opacity emission limit shall be in accordance with EPA Method 9, as specified in 40 CFR 60, Appendix A.</p>

**Table 5**

EU #	Recordkeeping Requirements
EU 1 EU 2 EU 3	<p>CEL shall</p> <ol style="list-style-type: none"> <li>1) In accordance with 310 CMR 7.19(13)(d)3., measure and record for each engine on a daily basis; the type fuel(s) burned, the heat content of each fuel, the total heating value of the fuel, and the allowable emission rate.</li> <li>2) In accordance with Regulation 310 CMR 7.19(8)(d)5. and the DEP's Approval # 1-E-94-033, maintain records to certify that the ignition timing of the engine has been inspected and adjusted at least once every three years.</li> <li>3) In accordance with Regulation 310 CMR 7.19(8)(d)3. and the DEP's Approval # 1-E-94-033, determine the hours of operation for each engine for the previous 12 month period on a monthly basis.</li> <li>4) In accordance with Regulation 310 CMR 7.19(13)(d)7., 8., and 9., maintain copies of all fuel certifications or fuel oil analyses on-site for 5 years in a permanently bound log book or any other form acceptable to the MassDEP including computer retained and generated data, and shall submit compliance records within 10 days of written request by the MassDEP or EPA.</li> <li>5) In accordance with 40 CFR § 63.6655(a), keep the records described in paragraphs (a)(1) through (a)(5), (b)(1) through (b)(3) and (d) of this section.</li> <li>6) In accordance with 40 CFR § 63.6660 (a), keep records in a form suitable and readily available for expeditious review according to § 63.10(b)(1).</li> <li>7) In accordance with 40 CFR § 63.6660 (b), as specified in § 63.10(b)(1), keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.</li> <li>8) In accordance with 40 CFR § 63.6660 (c), keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1).</li> </ol>
EU 4	<p>CEL shall</p> <ol style="list-style-type: none"> <li>9) In accordance with 310 CMR 7.02(8)(i)3, establish and maintain the following records: Information of equipment type, make and model, and maximum power input/output; and monthly logs of hours of operation, gallons of fuel used, fuel type and heating value, and a monthly calculation of the total hours operated and gallons of fuel used in the previous twelve months shall be kept on site; and purchase orders, invoices and other documents to support information in the monthly log. As referenced in 310 CMR 7.02(8)(i)4, certify that the log is accurate and true in accordance with 310 CMR 7.01(2).</li> </ol>
Facility-Wide	<p>CEL shall</p> <ol style="list-style-type: none"> <li>10) In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.</li> <li>11) In accordance with 310 CMR 7.12(3)(b), maintain copies of Source Registration and other information supplied to MassDEP to comply with 310 CMR 7.12 for five years from the date of submittal.</li> </ol>

Table 6 <sup>(1)</sup>	
EU #	Reporting Requirements
EU 1 EU 2 EU 3	<p>CEL shall</p> <ol style="list-style-type: none"> <li>1) In accordance with Regulation 310 CMR 7.19(8)(d)4. and the DEP's Approval # 1-E-94-033, notify the MassDEP within 15 days of the end of the month if any engine operates &gt;1000 hours for any consecutive 12 month period, and the facility is subject to an emission standard of 9.0 grams per bhp-hr, and the recordkeeping and reporting requirements specified in 310 CMR 7.19(13)(d).</li> <li>2) In accordance with 40 CFR § 63.6640(b), must report each instance they did not meet each emission limitation or operating limitation in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d of 40 CFR Part 63 Subpart ZZZZ that apply to you. These instances are deviations. These deviations must be reported according to the requirements in 40 CFR § 63.6650.</li> <li>3) In accordance with 40 CFR § 63.6645(a), submit all of applicable notifications in 40 CFR §63.7(b) and (c), §63.8(e), (f)(4) and (f)(6), §63.9(b) through (e), and (g) and (h) by the dates specified.</li> <li>4) In accordance with 40 CFR § 63.6650, submit each applicable report in Table 7 of 40 CFR Part 63 Subpart ZZZZ.</li> <li>5) In accordance with 40 CFR § 63.6630(c), submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in § 63.6645.</li> </ol>
Facility-Wide	<p>CEL shall</p> <ol style="list-style-type: none"> <li>6) In accordance with 310 CMR 7.12, submit a Source Registration/Emission Statement form to the MassDEP on an annual basis.</li> <li>7) In accordance with 310 CMR 7.00: Appendix C(10)(c), the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year).</li> <li>8) Submit Annual Compliance report to MassDEP and EPA by January 30 of each year and as required by General Condition 10 of this Permit.</li> <li>9) In accordance with 310 CMR 7.13(1)(d), submit to the MassDEP any stack test results for any air contaminant obtained from stack testing required by the MassDEP within such time as agreed to in the approved test protocol.</li> <li>10) In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to the MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by the MassDEP or EPA.</li> <li>11) In accordance with 310 CMR 7.00 Appendix C(10)(f), the Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention all instances of deviations from permit requirements. <b>(See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT").</b></li> </ol>

- (1) The annual Source Registration/Emission Statement report shall be submitted to the MassDEP office specified in the instructions. **All other reports are to be submitted to the Western Regional Office.**

- C. GENERAL APPLICABLE REQUIREMENTS – The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.
- D. REQUIREMENTS NOT CURRENTLY APPLICABLE – The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Reason
310 CMR 7.16 Reduction of Single Occupant Commuter Vehicle Use	Employs fewer than 250 people
40 CFR Part 64	Compliance Assurance Monitoring not applicable since adequate monitoring exists in 40 CFR Part 63 Subpart ZZZZ

## 5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special provisions that are not contained in Tables 3, 4, 5, and 6:

Table 8	
EU #	Special Terms and Conditions
EU 1 EU 2 EU 3	<p>CEL shall</p> <ol style="list-style-type: none"> <li>1) In accordance with 40 CFR § 63.6603 Table 2b and § 63.6640, use an oxidation catalyst to reduce the concentration of CO in each engine exhaust.</li> <li>2) In accordance with 40 CFR § 63.6603 Table 2b and § 63.6640, maintain the catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water from the pressure drop across the catalyst that was measured during the initial performance test.</li> <li>3) In accordance with 40 CFR § 63.6603 Table 2b and § 63.6640, shall maintain the temperature of the engine exhaust so that the catalyst inlet temperature is greater than or equal to 450°F and less than or equal to 1350°F.</li> <li>4) In accordance with 40 CFR § 63.6605(a), be in compliance with the applicable emission limitations, applicable operating limitations, and other applicable requirements in 40 CFR Part 63 Subpart ZZZZ at all times.</li> <li>5) In accordance with 40 CFR § 63.6605(b), operate and maintain the engines including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require CEL to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to MassDEP which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.</li> </ol>
EU 4	<p>CEL shall</p> <ol style="list-style-type: none"> <li>6) In accordance with 40 CFR § 63.6625 (f), install a non-resettable hour meter on the engine if one is not already installed.</li> <li>7) In accordance with 40 CFR § 63.6640 (f)(2), operate the emergency engine for any combination of the purposes specified below for a maximum of 100 hours per calendar year. Any operation for non-emergency situations following counts as part of the 100 hours per calendar year allowed.               <ol style="list-style-type: none"> <li>a. the emergency engine may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition MassDEP for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of the emergency engine beyond 100 hours per calendar year.</li> <li>b. the emergency engine may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies, or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.</li> <li>c. the emergency engine may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.</li> </ol> </li> </ol>

**Table 8 (continued)**

EU #	Special Terms and Conditions
EU 4	<p>CEL shall</p> <p><b>8)</b> In accordance with 40 CFR § 63.6640 (f)(4), operate the emergency engine for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response allowed. Except as provided in paragraphs a. and b. below, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.</p> <p>a. Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for a facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system.</p> <p>b. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:</p> <p>(i) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.</p> <p>(ii) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.</p> <p>(iii) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.</p> <p>(iv) The power is provided only to the facility itself or to support the local transmission and distribution system.</p> <p>(v) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.</p> <p><b>9)</b> In accordance with 40 CFR Part 63 Subpart ZZZZ Table 2d, perform the following maintenance on the engine:</p> <p>a. Change oil and filter every 500 hours of operation or annually, whichever comes first. CEL has the option to utilize an oil analysis program as described in § 63.6625(i) or (j) in order to extend the specified oil change requirement;</p> <p>b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; and</p> <p>c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.</p> <p><b>10)</b> In accordance with 40 CFR Part 63 Subpart ZZZZ Table 6, operate and maintain the emergency engine either according to the manufacturer's emission-related operation and maintenance instructions; or develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.</p>

## **6. ALTERNATIVE OPERATING SCENARIOS**

none

## **7. EMISSIONS TRADING**

- A. Intra-facility emission trading  
The facility did not request intra-facility emissions trading in its operating permit application.
- B. Inter-facility emission trading  
The facility did not request inter-facility emissions trading in its operating permit application.

## **8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5, except as noted below.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

For EU 1, 2, and 3, the compliance date for meeting the applicable emission limitations, operating limitations, and other requirements of 40 CFR Part 63 Subpart ZZZZ was May 3, 2013. Chicopee Electric Light was issued an Extension of Compliance Deadline by the MassDEP on April 25, 2013. In accordance with this extension, MassDEP extended the compliance deadline until May 3, 2014, and the emissions testing deadline within 180 days of startup, or no later than November 3, 2014. The extension applies to 40 CFR §63.6603(a), emission and operating limitations, including the operating limitations in Table 2b and the emission limitation requirements in Table 2d; 40 CFR §63.6604 fuel requirements; and 40 CFR §63.6625(g) crankcase ventilation system requirements.

## GENERAL CONDITIONS FOR OPERATING PERMITS

### **9. FEES**

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

### **10. COMPLIANCE CERTIFICATION**

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

#### **A. Annual Compliance Report and Certification**

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) any additional information required by the MassDEP to determine the compliance status of the source.

#### **B. Semi-Annual Monitoring Summary Report and Certification**

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this Permit. The report shall be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) any additional information required by the MassDEP to determine the compliance status of the source.

#### **11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for Permit termination or revocation, or for denial of an Operating Permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

#### **12. PERMIT SHIELD**

- A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this Permit. Compliance with the terms and conditions of this Permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this Permit.

Where there is a conflict between the terms and conditions of this Permit and any earlier approval or Permit, the terms and conditions of this Permit control.

- B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.
- C. Nothing in this Permit shall alter or affect the following:
- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
  - 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
  - 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

### **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this Permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

### **14. PERMIT TERM**

This Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date 5 years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

### **15. PERMIT RENEWAL**

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the Operating Permit renewal application prior to this Permit's expiration date, this Permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

### **16. REOPENING FOR CAUSE**

This Permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's Operating Permit for cause. The MassDEP will reopen and amend this Permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an Operating Permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any Operating Permit condition.

#### **17. DUTY TO PROVIDE INFORMATION**

Upon the MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the MassDEP copies of records that the Permittee is required to retain by this Permit.

#### **18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

#### **19. TRANSFER OF OWNERSHIP OR OPERATION**

This Permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the Permit is necessary and provided that a written agreement containing a specific date for transfer of Permit responsibility, coverage and liability between current and new Permittee, has been submitted to the MassDEP.

#### **20. PROPERTY RIGHTS**

This Permit does not convey any property rights of any sort, or any exclusive privilege.

#### **21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- A. enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this Permit;
- B. have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- C. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

- D. Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the Operating Permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

## **22. PERMIT AVAILABILITY**

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the Operating Permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

## **23. SEVERABILITY CLAUSE**

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

## **24. EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this Permit as a result of an emergency<sup>2</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

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<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

## **25. PERMIT DEVIATION**

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this Permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supersede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone, fax or electronic mail (e-mail) , within three (3) days of discovery of such deviation:

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the Permit or approval as surrogate for an emission limit.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone, fax or electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the Permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's Permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

- A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this Operating Permit. A revision to the Permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an Operating Permit revision under any other applicable requirement.

## **28. OZONE DEPLETING SUBSTANCES**

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
  - 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
  - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.

- 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
  - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
  - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
  - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

## **29. PREVENTION OF ACCIDENTAL RELEASES**

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements. Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

## **30. APPEAL CONDITIONS FOR OPERATING PERMIT**

This Permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this Permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a Permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.